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September 17, 2009

VIA ELECTRONIC FILING

Honorable Sandra J. Feuerstein
United States District Court
Eastern District of New York
United States Courthouse
290 Federal Plaza
Central Islip, New York 11722-4437

Re: **Second Revised Briefing Schedule**
Carter v. Ocean Beach, et al.
Case No.: 07 Civ. 1215 (SJF)(ETB)

Your Honor:

The law firm of Rivkin Radler LLP represents Defendants, Incorporated Village of Ocean Beach, Mayor Loeffler, former Mayor Rogers and the Ocean Beach Police Department. On September 2, 2009, the parties filed a joint briefing schedule with Your Honor. Given that there is an insurance policy involved, which limits are reduced by the fees and costs of respective counsel for the Village defendants and defendant Hesse, counsel for the Village defendants and defendant Hesse were instructed earlier this month by our respective clients not to do any further work on the summary judgment motions in the hope that a settlement could be reached. Based upon communications with plaintiffs' counsel, we now know that the parties are too far apart in their respective positions and that settlement at the pre-summary judgment phase is not viable.

Accordingly, I have asked plaintiffs' counsel, and he has agreed, subject to Your Honor's consent, to extend the time for filing motions for summary judgment.

Therefore, with Your Honor's permission, the parties wish to extend their respective time to serve and file motions, oppositions and replies as follows:

- Defendants will serve their respective motions for summary judgment on or before October 14, 2009;

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- Plaintiffs will serve their opposition to defendants' respective motions on or before December 24, 2009;
- Defendants will serve their reply to plaintiffs' opposition on or before January 14, 2010, and Defendants will file fully briefed motions with the Court on that date in accordance with the "Bundle Rule."

Thank you for your consideration of the proposed schedule. This will be the final request by the Village defendants for an extension of the briefing schedule.

Respectfully submitted,

RIVKIN RADLER LLP

/s/

Kenneth A. Novikoff

KAN:mpw

cc: Andrew S. Goodstadt, Esq. (Via ECF)
Kevin W. Connolly, Esq. (Via ECF)
Arlene Zwilling, Esq. (Via ECF)

i/o
Peter P. McNamara, Esq.

So Ordered,

9/18/09

U.S.D.J.